

TITLE 391
CHILD CARE LICENSING

CHAPTER 1-000 ADMINISTRATION

1-001 Legal Basis

1-001.01 State Statute: The Nebraska Department of Health and Human Services is assigned responsibility for licensing child care programs in Nebraska Revised Statutes, Sections 71-1908 through 1918.

1-002 Agency Organization: The licensing of child care programs is administered within the Department of Health and Human Services.

Department staff are responsible for the compliance with appropriate statutes, development and implementation of all child care licensing regulations, administration of child care licensing programs, license issuance, protection of provider's rights, fiscal control, public awareness, parent education, and statistical analysis.

Department staff accept and process the applications of child care/preschool providers and conduct background checks on staff in all child care license types.

1-003 Definitions

1-003.01 Common Definitions: The following definitions apply to all child care/preschool programs:

Agency Representative - Any person employed by or under contract with the Nebraska Department of Health and Human Services, the Nebraska Department of Health and Human Services Regulation and Licensure, the State Fire Marshal, or their designated agents.

Ages of Children -

1. Infant - A child 6 weeks to 18 months of age.
2. Toddler - A child age 18 months to 36 months.
3. Preschooler - A child age 36 months to school-age.
4. School-age - A child who attends grades kindergarten and above.

Child Care - The provision of care -

1. To four or more children under age 13 at any one time from families other than that of the provider;
2. For on the average of less than 12 hours per day;
3. For compensation, either indirect or direct;
4. On a regular basis; and
5. By a person other than their parents/guardians. (Nebraska Revised Statutes, Section 71-1910)

Child Care Resource Specialist - A Department staff person responsible for measuring compliance with licensing regulations, and who provides consultation and technical assistance to child care providers.

Crib - Federally-approved infant equipment with a mattress.

Department - The Nebraska Department of Health and Human Services.

Delivery of Medication - Giving or applying a dose of medication to a child, either prescription or nonprescription.

Family - Individuals who are not household members and have one or more children enrolled in the child care program.

Fence - A barrier at least 36 inches in height, and flush with the ground.

Household Member - Any person residing in or regularly present in the child care home including children and youth for whom 24-hour care is provided.

Infant - A child age six weeks to 18 months.

Medication Route - The method in which medication is given to a child. Routes are defined as:

1. Oral - given by the mouth;
2. Topical - applied externally to the skin;
3. Inhalant - given via the respiratory tract by having children breathe in the medication;
or
4. Instillation - placing drops or ointments into the eye, ears, or nose.

Own Children - The term "own children" includes biological, adoptive, foster children and grandchildren below age eight.

Parent - The natural parent, adoptive, or step parent(s), guardian, or other legally responsible person.

Premises - The home/facility, including areas of the home/facility not used for child care/preschool, all attached and all outbuildings, and all areas included within the lot boundaries.

Preschooler - A child age 36 months to school-age.

PRN - Giving children medication that is not routine and is taken on an as-needed basis.

Recreation Camp - Programs or services that are recreational, social, or instructional and that are provided on a time-limited or irregular schedule and are not for the purpose of providing child care services.

Regulation - A requirement or policy having the force and effect of law.

Schoolage Child - A child who attends kindergarten or above.

Swimming Pool - Any artificial basin with more than 12 inches of water which has been designed for the purpose of swimming.

Toddler - A child age 18 months to 3 years.

Wading Pool - A portable, above-ground basin filled with 12 or fewer inches of water, and designed for the purpose of wading.

1-003.02 Definitions for Family Child Care Home I: These definitions are specific to a Family Child Care Home I.

Family Child Care Home I - A child care operation in the provider's place of residence which serves at least four but not more than eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours.

Overnight Care - Care provided for children between the hours of 9:00 p.m. and 6:00 a.m.

Primary Provider - A person age 19 or older responsible for the daily operation of the Family Child Care Home I and to whom the license is issued; also referred to as child care provider.

Registration - The process by which the child care provider self-certifies that s/he has complied with the rules as contained in the Family Child Care I publication.

Registration Clerk - The staff person responsible for processing Family Child Care Home I license applications.

Secondary Provider - A person age 16 or older providing direct care with the primary provider and needed to meet appropriate child/staff ratio as defined in the "Ratio/Capacity for Family Child Care Homes."

Substitute - A person age 16 or older who provides care in the absence of the primary provider in a Family Child Care Home I.

1-003.03 Definitions for Family Child Care Home II: These definitions are specific to a Family Child Care Home II.

Family Child Care Home II - A child care operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time.

Licensee - The owner of the child care program and the person(s) to whom the license is issued.

Overnight Care - Care provided for children between the hours of 9:00 p.m. and 6:00 a.m.

Primary Provider - A person age 19 or older responsible for the daily operation of the Family Child Care Home II and to whom the license is issued, also referred to as the licensee; OR a person age 19 or older responsible for the daily operation of the Family Child Care Home II program and hired by the licensee.

Secondary Provider - A person age 16 or older providing direct care with the primary provider and needed to meet appropriate child/staff ratio as defined in the "Ratio/Capacity for Family Child Care Homes."

Substitute - A person age 16 or older who provides care in the absence of the primary provider in a Family Child Care Home II.

1-003.04 Definitions for Child Care Centers: These definitions are specific to Child Care Centers.

Child Care Center - A facility licensed to provide child care for 13 or more children.

Director - The person who is responsible for the daily operation of the child care center, including compliance with all regulations.

Evening Care - Care provided for children between 7:00 p.m. and 6:00 a.m.

Licensee - The owner of the child care program and the person(s) to whom the license is issued.

Room - An area with four walls flush from the floor to the ceiling and at least one passageway. A partition may be considered a wall if the partition is at least four feet high, is flush to the floor and to the other walls, and the partitioned area includes only one passageway at least 28 inches but not more than 36 inches wide.

Support Staff - Those persons, whether paid or volunteer, employed by the center in such positions as aides, food service, clerical, custodial, and transportation.

Teacher/Assistant Teacher - The person who is responsible for the direct care of the children, whether paid or volunteer.

1-003.05 Definitions for Preschools: These definitions are specific to Preschools.

Director - The person who is responsible for the daily operation of the preschool, including compliance with all regulations.

Licensee - The owner of the preschool program and the person(s) to whom the license is issued.

Preschool - An early childhood program which provides primarily educational services where children do not nap and where children are not served a meal.

Support Staff - Those persons, whether paid or volunteer, employed by the preschool in such positions as aides, food service, clerical, custodial, and transportation.

Teacher/Assistant Teacher - The person who is responsible for the direct care of the children, whether paid or volunteer.